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REMARKS

Claims 1-36 are pending. Claims 1, 2, 13, 21, 27 and 32 are currently amended. No claims are cancelled in the current response. Reconsideration and allowance of the subject application is respectfully requested.

New Matter

In the Advisory action of 7/19/2006, the Examiner raises the issue of New Matter with respect to the present claim amendments. Examiner indicates that the comparing step such as "comparing the authorized resources with the assessment to identify one or more resources authorized but not installed on the computer system" is not supported in the specification. The applicant respectfully disagrees.

Support may be found at least in FIG. 8 and the corresponding discussion beginning on p. 21. For instance, at least the following except from page 21 provides supports:

In response, configuration agent 14 locates the identifier within data structure 408 (not shown) and identifies an authorized configuration for computing system 18A. Identification and characterization function 406 is invoked to assess the resources of the computing system, providing control logic 402 with the results of such assessment. Control logic 402 compares the authorized resources against the assessed resources to identify limitations in the current capability of computing system 18A, and accesses a local network data store 16A and/or an Internet data store 16N to collect the resources. Once collected, configuration agent 14 downloads, installs and configures the resources on the computing system 18, as necessary. In this manner, a computer system is automatically configured with all authorized and available resources (including configuration and personalization settings) automatically and without the assistance of a computing technician. *Specification, p. 21(emphasis added).*

1 Further, a configuration agent is described on p. 12 -13 as follows:

2
3 As introduced above, upon receiving an indication associated
4 with a computing system (e.g., 18) or computing system user,
5 configuration agent 14 in cooperation with configuration
6 interface 308 assess the hardware and/or software resources
7 available on the computing system. Based, at least in part
8 on the assessment, configuration agent 14 identifies
9 needed resources and/or configuration/personalization
10 information, and downloads and installs the identified
11 resources to enhance the operational capability of the host
12 computer. In this regard, configuration agent 14 and
13 configuration interface 308 facilitate the automatic
14 configuration and personalization of any of a number of host
15 computing systems. *Specification, p. 12-13 (emphasis*
16 *added).*

17 Thus, adequate support may be found in at least these excerpted portions as
18 well as throughout the specification and drawings as filed. Accordingly, no new
19 matter has been introduced.

20 **35 U.S.C. §103 (a)**

21 Claims 1-36 are rejected under 35 U.S.C. §103(a) as being unpatentable
22 over U.S. Patent 5,809,287 to Stupek, Jr. et al. (hereinafter, "Stupek") in view of
23 U.S. Patent 6,012,088 to Li et al. (hereinafter, "Li"). Applicant respectfully
24 disagrees. However, in order to expedite issuance of the Subject Application,
25 independent claims 1, 13, 21, 26 and 32, have been amended. The Applicant
believes these amendments place the application in condition for allowance and
respectfully requests that the §103 rejection of claims 1-36 be withdrawn.

26 Stupek describes a method for upgrading a resource of a computer from an
27 existing version to a later version. *Stupek, Summary*. Stupek describes storing
28 information in a database (upgrade database 9) describing versions of resources

1 and comparing an existing version of a resource on a computing device (server or
2 client) to the version data from the database. *Stupek, col. 3, lines 44-52; col. 4*
3 *lines 1-23*. A computing device maintains a current record (MIB 5) of resources
4 and provides the record to the network (server manger 2). *Stupek, col. 3, lines 22-*
5 *30*. The MIB describing existing resources from each server or client is checked
6 against the upgrade database to determine if upgrades are available. Thus, the
7 upgrade database is arranged with global or common upgrade data used for each
8 computing device and not individual records for each server or client. Upon
9 determination that a newer or upgrade version is available, Stupek describes
10 displaying to a user the available upgrades for selection. *Stupek, col. 3, lines 63-*
11 *67*.

12 Li describes a system for configuring an internet access device for
13 communication with the internet. *Li, Summary*. A user contacts an Internet
14 Service Provider (ISP) provider to establish service. A configuration file user or
15 site specific corresponding to the established service and specific to a user or
16 device is stored. *Li, col. 9, lines 26-63*. The user then receives and installs the
17 internet access device and inputs a registration number to obtain access to the
18 corresponding pre-established configuration file and configure the internet access
19 device. *Li, col. 11, lines 46-63*. In Li, the configuration record is pre-established
20 and unique to the internet access device. *Li, col. 12, lines 43-48*.

21 For the reasons that follow, the proposed combination of Stupek and Li
22 fails to disclose, teach, or suggest the recited features of claims 1-36. For
23 example:

24 **Claim 1** as amended (portions of the amendment appear in bold italics)
25 recites a method comprising:

- 1 • *maintaining, on a server for each of a plurality of computing systems,*
2 *data specifying which resources are authorized for the computing system;*
- 3 • receiving an identifier associated with a computing system and/or
4 computing system user;
- 5 • *using the received identifier to:*
 - 6 ▪ *obtain corresponding data specifying authorized resources*
7 *for the computing system; and*
 - 8 ▪ *interrogate the computing system to produce an assessment*
9 *indicating existing hardware and/or software computing*
10 *system resources available on the computing system;*
- 11 • *comparing the authorized resources with the assessment to identify one or*
12 *more resources authorized but not installed on the computing system; and*
- 13 • automatically modifying the computing system resources by installing the
14 *one or more identified resources.*

15 Support for the amendment may be found throughout the specification and
16 drawings as filed, an example of which is FIG. 8 and the corresponding discussion
17 beginning on p. 21.

18 The proposed combination of references fails to disclose, teach, or suggest all
19 the recited features of claim 1. Applicant asserts that Stupek and Li, alone or in
20 combination, fail to disclose at least “maintaining, on a server for each of a
21 plurality of computing systems, data specifying which resources are authorized for
22 the computing system”, “using the received identifier to: obtain corresponding
23 data specifying authorized resources for the computing system”. “using the
24 received identifier to . . . interrogate the computing system to produce an
25 assessment indicating existing hardware and/or software computing system
resources available on the computing system”, “comparing the authorized
resources with the assessment to identify one or more resources authorized but not
installed on the computing system”, and “automatically . . . installing the one or
more identified resources” as recited in claim 1.

1 For instance, in Stupek a server manager provides updates to servers, and in
2 some cases clients. Stupek describes the server manager having an upgrade
3 database indicating version information corresponding to resources, which is
4 apparently global upgrade information (data describing versions of resources)
5 which is common applies to all servers and clients. Stupek describes:

6
7 In general, in one aspect, the invention features a method for
8 use in upgrading a resource of a computer from an existing
9 version of the resource to a later version of the resource. The
10 method includes the steps of (a) digitally storing upgrade
11 information which identifies the later version and describes
12 features of the later version relative to one or more earlier
13 versions of the resource, (b) digitally storing in the computer
14 information identifying the existing version, by computer,
15 automatically determining which of the earlier versions is the
16 existing version, and (c) based on the results of the comparing
17 step, automatically determining, or displaying to a user at
18 least some of the upgrade information to aid the user in
19 determining, whether to perform an upgrade. *Stupek,*
20 *Summary*

21 Accordingly, Stupek is limited to comparing of version numbers from the
22 database with version numbers provided by a computing device (either server or
23 client). Thus, while a version comparison is described in Stupek, Stupek has no
24 discussion of maintaining for each a plurality of systems "data specifying which
25 resources are authorized" for the systems and accordingly also fails to disclose
"comparing the authorized resources with the assessment to identify one or more
resources authorized but not installed on the computing system". There is no
identification or mention of authorized or un-authorized resources in Stupek at all.
A database as in Stupek indicating upgrade version information used for many

1 devices does not equate "data specifying which resources are authorized for the
2 computing system" of claim 1.

3 Nor does Stupek describe receiving and using an identifier to "obtain
4 corresponding data specifying authorized resources for the computing system" or
5 "to interrogate the computing system to produce an assessment indicating existing
6 hardware and/or software computing system resources available on the computing
7 system". There is no disclosure of an interrogation of a computing system to
8 produce an assessment. Rather, Stupek describes a computing device (server or
9 client) maintaining an individual Management Information Base (MIB) at all times
10 which indicates resources of the device and which the device **provides to the**
11 **network**. *Stupek, col. 3 lines 27-29*. Thus, the server manager does not
12 interrogate the computing system to produce an MIB or produce the MIB at all.
13 Rather, the computing device maintains the MIB and provides it to the network.
14 Accordingly, the MIB does not provide a basis for the assessment as in claim 1
15 and described in the subject Application.

16 Li fails to correct these defects in Stupek. For instance, Li discloses the
17 configuration of an Internet Access Device based on an existing configuration
18 record once a registration ID is entered. The configuration record has been pre-
19 established by communication between a user and an internet service provider.
20 Thus, under Li, no comparison of the assessed computing system resources against
21 authorized computing system resources is required or performed.

22 There is also no identification, comparison, or mention of authorized or un-
23 authorized resources in Li at all. Again, Li describes a pre-established
24 configuration file. Thus, Li does not provide a basis for maintaining for each a
25 plurality of systems "data specifying which resources *are authorized*" for the

1 systems and accordingly also fails to disclose "comparing the authorized resources
2 with the assessment to identify one or more resources authorized but not installed
3 on the computing system".

4 Nor does Li describe receiving and using an identifier to "obtain corresponding
5 data specifying **authorized resources** for the computing system" or "to
6 interrogate the computing system to produce an assessment indicating existing
7 hardware and/or software computing system resources available on the computing
8 system". Rather, a registration ID is used to obtain a pre-established configuration
9 file, which apparently is simply downloaded and followed to set up internet
10 service on the Internet Access Device. Thus, there is no assessment of resources
11 on the device, no obtaining data specifying authorized resources, no comparison of
12 an assessment to authorized resources, or identification of authorized resources not
13 installed.

14 For at least these reasons, the proposed combination of Stupek and Li fails to
15 disclose, teach, or suggest all the recited features of claim 1, and withdrawal of the
16 §103 rejection is respectfully requested.

17 Further, assuming arguendo that the references may be construed to provide
18 the required features of claim 1, applicant asserts that motivation for the proposed
19 combination is lacking. As the Examiner is likely aware a *prima facie* case of
20 obviousness requires sufficient motivation to combine references. The mere fact
21 that references can be combined or modified does not render the resultant
22 combination obvious unless the prior art also suggests the desirability of the
23 combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). "To
24 support the conclusion that the claimed invention is directed to obvious subject
25 matter, either the references must expressly or impliedly suggest the claimed

1 invention or the examiner must present a convincing line of reasoning as to
2 why the artisan would have found the claimed invention to have been obvious in
3 light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973
4 (*Bd. Pat. App. & Inter.* 1985)(*emphasis added*). In making out a §103 obviousness
5 rejection, there is a particular emphasis on specificity. *See, e.g., In re Kotzab*, 217
6 *F.3d* 1365, 1371, 55 USPQ2d 1313, 1317 (*Fed. Cir.* 2000) ("particular findings
7 must be made as to the reason the skilled artisan, with no knowledge of the
8 claimed invention, would have selected these components for combination in the
9 manner claimed").

10 Here, the Examiner simply refers to sections of Li which describe why the
11 system of Li is desirable. Office Action on p. 6 indicates the motivation is
12 providing "automatic configuration upon verification or authentication of a
13 computing system and user and enables a quick, very simple, and error proof
14 configuration process" citing Li col. 15 lines 1-15; col. 10 line 25-65.
15 Respectfully, this proposed motivation does not provide a reason why an ordinary
16 artisan would be motivated to combine the upgrade methods of Stupek with the
17 automatic configuration of an internet access device as described in Li, nor with
18 the required particularity why the required elements would be combined in the
19 manner claimed. Rather, the asserted motivation is simply a general motivation
20 for use of authentication, and is too broad and vague to provide a sufficient reason
21 why "the skilled artisan, with no knowledge of the claimed invention, would have
22 selected these components for combination in the manner claimed". Neither
23 Stupek nor Li describes any deficiency which would be corrected by combination
24 with the other reference. The examiner has failed to provide convincing reasoning
25 why the techniques of Li would be combined with Stupek.

1 In fact, as Li describes using a pre-established and unique configuration file
2 produced by communication of individual users with an ISP, and Stupek
3 describes an version upgrades specified for a plurality of computing devices by a
4 common database which contains global upgrade information, it is not clear taking
5 the references in their entirety that the combination would be desirable at all. The
6 teachings of Li and Stupek are at odds with one another. Li describes
7 individualized configuration files which are pre-established between a user and
8 service. Stupek, however describes using a common list of upgrades for each
9 device or user. For example, the individual configuration files of LI applied to
10 each server or client in the Stupek would be a significant departure from the
11 method described in Stupek. Rather, than simply comparing the MIB provided by
12 a client to a common upgrade database, each device would now apparently
13 individually establish its own upgrade list. This would be cumbersome and
14 inefficient compared to the techniques described in Stupek. Thus, applicant
15 asserts that these differences in the approaches taken by each reference would
16 discourage the proposed combination.

17 For at least these reasons, a *prima facie* case of obviousness has not been
18 established, and accordingly withdrawal of the §103 rejection is respectfully
19 requested for this additional reason.

20 **Claims 2-12** depend from claim 1 and are allowable based on this dependency
21 as well as for their own recited features which the references of record fail to
22 disclose teach or suggest. Accordingly withdrawal of the §103 rejection of claims
23 2-12 is respectfully requested.

24 For example, **Claim 2** as amended (portions of the amendment appear in bold
25 italics) recites: A method according to claim 1, wherein the computing system *is*

1 *provided to the user without the authorized resources being preinstalled.*

2 Support for this amendment may be found throughout the specification and
3 drawings as filed an example of which is discussion on p. 211.

4 In an interview summary dated 2/23/2006 the examiner indicates that "it
5 appears to the Examiner that the implementation of "when the user receives a new
6 computing system without any application preinstalled . . . a configuration agent
7 initially installs one or more applications as described on page 11 second paragraph
8 in not present in Li and Stupek". Applicant agrees with this statement. As
9 indicated previously, Stupek is directed to upgrading from existing versions to new
10 version of resources. Li describes using a pre-established configuration file to
11 configure a internet access device. However, the references alone or in
12 combination, fail to disclose, teach, or suggest a computing system "provided to
13 the user without the authorized resources being preinstalled. Accordingly claim 2
14 is allowable for this additional reason.

15
16
17 **Claim 13** as amended (portions of the amendment appear in bold italics)
18 recites a server comprising:

- 19 • a storage device to maintain a profile of personal resources *specifying, for*
20 *each of a plurality of computing systems, which resources are authorized*
for the computing system; and
21 • a configuration agent, coupled to the storage device, to:
22 ▪ receive an identifier associated with a computing system
23 and/or computing system user;
24 ▪ *generate an assessment of the current resources of the*
computing system;
25 ▪ *identify, by comparing the assessment with the authorized*
resources, one or more of the authorized resources which
are missing from a computing system ; and

- automatically configure resources of the computing system to include the identified resources.

Support for the amendment may be found throughout the specification and drawings as filed an example of which is FIG. 8 and the corresponding discussion beginning on p. 21.

Claim 13 is allowable for reasons described with respect to claim 1. For instance the proposed combination of Stupek fails to disclose, teach, or suggest at least "a storage device to maintain a profile of personal resources specifying, for each of a plurality of computing systems, which resources are authorized for the computing system", "generate an assessment of the current resources of the computing system" or "identify, by comparing the assessment with the authorized resources, one or more of the authorized resources which are missing from a computing system" as recited in claim 13. Further motivation for the proposed combination is lacking as described with respect to claim 1. For at least these reasons, claim 13 is allowable over the proposed combination of Stupek and Li and withdrawal of the §103 rejection is respectfully requested.

Claims 14-20 depend from claim 13 and are allowable based on this dependency as well as for their own recited features which the references of record fail to disclose teach or suggest. Accordingly withdrawal of the §103 rejection of claims 14-20 is respectfully requested.

Claim 21 as amended (portions of the amendment appear in bold italics) recites a storage medium comprising a plurality of executable instructions including at least a subset of which that, when executed, implement a configuration agent to:

- 1 • *maintain, for each of a plurality of computing systems, data specifying*
2 *authorized resources for the computing system;*
- 3 • conduct an assessment of computing system resources upon receipt of an
4 identifier associated with the computing system and/or computing system
5 user;
- 6 • *identify, by comparing the assessment with corresponding data specifying*
7 *authorized resources, one or more of the authorized resources which are*
8 *missing from the computing system; and*
- 9 • automatically download and install on the computing system the missing
10 authorized resources.

11 Support for the amendment may be found throughout the specification and
12 drawings as filed an example of which is FIG. 8 and the corresponding discussion
13 beginning on p. 21.

14 Claim 21 is allowable for reasons described with respect to claim 1. For
15 instance the proposed combination of Stupek fails to disclose, teach, or suggest at
16 least "maintain, for each of a plurality of computing systems, data specifying
17 authorized resources for the computing system", "conduct an assessment of
18 computing system resources upon receipt of an identifier associated with the
19 computing system and/or computing system user" or "identify, by comparing the
20 assessment with corresponding data specifying authorized resources, one or more
21 of the authorized resources which are missing from the computing system" as
22 recited in claim 21. Further motivation for the proposed combination is lacking as
23 described with respect to claim 1. For at least these reasons, claim 21 is allowable
24 over the proposed combination of Stupek and Li and withdrawal of the §103
25 rejection is respectfully requested.

Claims 22-25 depend from claim 21 and are allowable based on this
dependency as well as for their own recited features which the references of record
fail to disclose teach or suggest. Accordingly withdrawal of the §103 rejection of
claims 22-25 is respectfully requested.

1
2 **Claim 26** as amended (portions of the amendment appear in bold italics)

3 recites a computing system comprising:

- 4 • a storage device having stored thereon a plurality of executable instructions;
- 5 • a network interface, communicatively coupling the computing system to a network; and
- 6 • a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system, and to implement a basic input/output system (BIOS) to issue a configuration request to the network via the network interface, the configuration request based on the assessment and including an identifier associated with the computing system, *wherein the configuration request is configured to cause a recipient of the request to:*
- 7
- 8
- 9
- 10
- 11 ▪ *reference the identifier to access corresponding data specifying authorized resources associated by the identifier with the computing system;*
- 12
- 13 ▪ *compare the assessment to the authorized resources to determine one or more of the authorized resources missing from the computing system; and*
- 14
- 15 ▪ *provide the missing authorized resources to the computing system via the network.*
- 16

17 Support for the amendment may be found throughout the specification and
18 drawings as filed an example of which is FIG. 8 and the corresponding discussion
19 beginning on p. 21.

20 Claim 26 is allowable for reasons described with respect to claim 1. For
21 instance the proposed combination of Stupek fails to disclose, teach, or suggest at
22 least "wherein the configuration request is configured to cause a recipient of the
23 request to: reference the identifier to access corresponding data specifying
24 authorized resources associated by the identifier with the computing system",
25 "compare the assessment to the authorized resources to determine one or more of

1 the authorized resources missing from the computing system” and “provide the
2 missing authorized resources to the computing system via the network” as recited
3 in claim 26. Further, motivation for the proposed combination is lacking as
4 described with respect to claim 1. For at least these reasons, claim 26 is allowable
5 over the proposed combination of Stupek and Li and withdrawal of the §103
6 rejection is respectfully requested.

7 **Claims 27-31** depend from claim 26 and are allowable based on this
8 dependency as well as for their own recited features which the references of record
9 fail to disclose teach or suggest. Accordingly withdrawal of the §103 rejection of
10 claims 27-31 is respectfully requested.

11 **Claim 32** as amended (portions of the amendment appear in bold italics)
12 recites a method comprising:

- 13 • issuing a configuration request from a computing system, wherein the
14 configuration request includes an identifier associated with the computing
15 system and/or computing system user *and is configured to cause a*
recipient of the request to:
- 16 ▪ *generate an assessment of the current computing system*
resources of the computing system;
 - 17 ▪ *reference the identifier to access data specifying authorized*
computing system resources associated by the identifier with
the computing system; and
 - 18 ▪ *compare the assessment to the authorized computing system*
resources to determine one or more of the authorized
computing system resources missing from the computing
system; and
- 19 • receiving a response to the configuration request at the computing system,
20 the response including the one or more computing system resources
21 missing from the computing system, wherein the one or more computing
22 system resources are automatically installed and configured on the
23 computing system.
- 24
25

1 Support for the amendment may be found throughout the specification and
2 drawings as filed an example of which is FIG. 8 and the corresponding discussion
3 beginning on p. 21.

4 Claim 32 is allowable for reasons described with respect to claim 1. For
5 instance the proposed combination of Stupek fails to disclose, teach, or suggest at
6 least "generate an assessment of the current computing system resources of the
7 computing system", "reference the identifier to access data specifying authorized
8 computing system resources associated by the identifier with the computing
9 system" and "compare the assessment to the authorized computing system
10 resources to determine one or more of the authorized computing system resources
11 missing from the computing system" as recited in claim 32. Further, motivation
12 for the proposed combination is lacking as described with respect to claim 1. For
13 at least these reasons, claim 32 is allowable over the proposed combination of
14 Stupek and Li and withdrawal of the §103 rejection is respectfully requested.

15 Claims 33-36 depend from claim 31 and are allowable based on this
16 dependency as well as for their own recited features which the references of record
17 fail to disclose, teach, or suggest. Accordingly withdrawal of the §103 rejection of
18 claims 33-36 is respectfully requested.

19
20 **Conclusion**

21 For the forgoing reasons, all pending claims 1-36 are in condition for
22 allowance. Applicant respectfully requests reconsideration and issuance of the
23 present application. Should any issue remain that prevents immediate issuance of
24 the application, the Examiner is encouraged to contact the undersigned attorney to
25 discuss the unresolved issue.

Respectfully Submitted,

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